

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Cerron DeMartay Fox**

**Docket No. 5:09-CR-232-1BR**

**Petition for Action on Supervised Release**

COMES NOW Timothy L. Gupton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Cerron DeMartay Fox, who, upon an earlier plea of guilty to 18 U.S.C. §§ 922(g)(1) and 924: Felon in Possession of a Firearm, was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on February 8, 2010, to the custody of the Bureau of Prisons for a term of 37 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.
5. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

Cerron DeMartay Fox was released from custody on August 25, 2011, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR  
CAUSE AS FOLLOWS:**

A police report provided by the Rocky Mount Police Department in Rocky Mount, North Carolina, reveals that on September 4, 2011, during an incident where the defendant was involved in an altercation and was shot, he was under the influence of alcohol. When confronted by this probation officer regarding his failure to abstain from the use of alcohol, the defendant reported that he often drinks alcohol to cope with depression related to his mother's death in 2006. According to the defendant, he believes that mental health counseling would be beneficial in treating his depression and alcohol issues. Therefore, it is recommended that the defendant participate in a program of mental health treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Michael C. Brittain  
Michael C. Brittain  
Senior U.S. Probation Officer

/s/Timothy L. Gupton  
Timothy L. Gupton  
U.S. Probation Officer  
310 New Bern Avenue, Room 610  
Raleigh, NC 27601-1441  
Phone: (919) 861-8660  
Executed On: October 17, 2011

**Cerron DeMartay Fox**  
**Docket No. 5:09-CR-232-1BR**  
**Petition For Action**  
**Page 3**

**ORDER OF COURT**

Considered and ordered this 17 day of October, 2011, and ordered filed and made a part of the records in the above case.

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W. Earl Britt  
Senior U.S. District Judge

A handwritten signature in dark ink, appearing to read "W. Earl Britt", is written over a light blue horizontal line.